

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

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ADRIAN HOYLE,

Plaintiff,

vs.

CAUSE NO.: 3:21-cv-171NBB-RP  
JURY DEMANDED

CITY OF HERNANDO, SCOTT WORSHAM,  
in his official capacity as Chief of Police of the  
Hernando Police Department, OFFICER  
LYNN BROWN, Individually and in his  
official capacity as a Hernando Police Officer,  
and OFFICER HUNTER SOLOMON,  
Individually and in his official capacity as a  
Hernando Police Officer

Defendants.

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PLAINTIFF, ADRIAN HOYLE'S, MOTION TO ALTER OR AMEND  
THE COURT'S JUDGMENT ENTERED ON SEPTEMBER 27, 2022

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COMES NOW, the Plaintiff, Adrian Hoyle (hereinafter Hoyle) by and through counsel and files this his FRCP 59(e) Motion to Alter or Amend this Court's judgment entered on September 27, 2022, (Doc. No. 52) which incorporated the Memorandum Opinion (Doc. No. 53) filed contemporaneously, and would state as a basis for this motion that the Court should, pursuant to FRCP 59(e), alter or amend its judgment to accurately state a material point of law as well as a misconception regarding material facts, and would avoid a manifest injustice.

As explained further in the accompanying Memorandum, the Court's decision to dismiss the entire claim of Hoyle was seemingly based on the rationale that *Heck v. Humphrey*, 512 U.S. 477 (1994) bars any cause of action by Hoyle for excessive force against the Defendants.

For the reasons stated in the Memorandum filed contemporaneously herewith, Hoyle respectfully prays for the following relief:

1. That this Motion be granted and that the Court's Order and Judgment of September 27, 2022, (Doc. Nos.: 52 & 53) be vacated;
2. That summary judgment be denied the Defendants in this matter; and
3. For such other relief to which Hoyle may be entitled either at law or equity, generally or specially.

Respectfully Submitted,

SPARKMAN-ZUMMACH, P.C.

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Certificate of Service

The undersigned certifies that on the 28<sup>th</sup> day of September, 2022, a copy of the foregoing document was electronically filed with court clerk using the CM/ECF System which sent notification of such filing to all counsel of record.

S/Martin Zummach